

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
FRANKLIN MENDEZ,	:	
	:	
Plaintiff,	:	23 Civ. 8816 (LGS)
	:	
-against-	:	<u>ORDER</u>
	:	
JOHN JAY COLLEGE OF CRIMINAL	:	
JUSTICE,	:	
Defendant.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, a conference to discuss Defendant's motion to dismiss the Complaint and related issues was held on December 17, 2024. For the reasons discussed at the conference, it is hereby

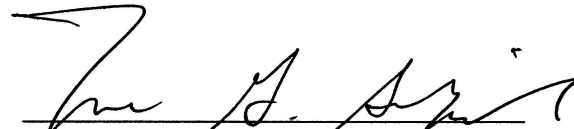
**ORDERED** that Defendant's motion to dismiss the Complaint is **GRANTED in part** and **DENIED in part**. The Complaint's state law claims in Counts IV and VI are dismissed because they are barred by principles of sovereign immunity under the Eleventh Amendment of the United States Constitution. Count V, alleging an ongoing pattern and practice of discrimination, is dismissed because Plaintiff lacks standing to challenge Defendant's allegedly discriminatory practices on behalf of all visually impaired students at John Jay College. Count VIII, which seeks to enforce the Voluntary Compliance Agreement, is dismissed because Plaintiff is not a party to the agreement and therefore lacks standing to enforce it. The motion to dismiss Counts I, II, III, VII, IX, which allege violations of the ADA and Rehabilitation Act, is denied as to the Rehabilitation Act, and held in abeyance as to the ADA (which in this case is duplicative of the Rehabilitation Act and raises unresolved legal issues regarding sovereign immunity). It is further

**ORDERED** that Plaintiff's requests for injunctive relief at Dkt. Nos. 46 and 47 are **DENIED** as moot. It is further

**ORDERED** that, by **January 15, 2025**, the parties shall file (1) a joint letter stating whether the parties would like assistance with settlement discussions from Judge Willis (to whom the case is already referred for that purpose, see Dkt. Nos 30 and 31, or the Court's mediation program) and (2) a proposed Case Management Plan (on the form available at <https://www.nysd.uscourts.gov/hon-lorna-g-schofield>).

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 38.

Dated: December 18, 2024  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**